

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**SHERRY H. DETWILER,**

Plaintiff,

v.

**MID-COLUMBIA MEDICAL CENTER, a  
Public Benefit Corporation, CHERI  
McCALL, an individual, and DOES I  
THROUGH 50, inclusive,**

Defendants.

Case No. 3:22-cv-01306-JR

**ORDER ADOPTING THE FINDINGS  
AND RECOMMENDATION AND  
DISMISSING THE COMPLAINT  
WITH PREJUDICE**

Ray D. Hacke, Pacific Justice Institute, 317 Court St. NE, Suite 202, Salem, OR 97301. Attorney for Plaintiff.

Christopher E. Hawk and Diane R. Lenkowsky, Gordon Rees Scully Mansukhani LLP, 1300 SW 5th Ave Ste 2000, Portland, OR 97201. Attorneys for Defendants.

**IMMERGUT, District Judge.**

This Court has reviewed de novo the portion of the F&R to which Plaintiff objected. For the following reasons, this Court ADOPTS Judge Russo's F&R.

**STANDARDS**

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."

28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### **CONCLUSION**

This Court has reviewed de novo the portions of Judge Russo’s F&R to which Plaintiff objected. Judge Russo’s F&R, ECF 38, is adopted in full. This Court GRANTS Defendants’ Motion to Dismiss, ECF 34, and DISMISSES the Second Amended Complaint, ECF 33, with prejudice.

**IT IS SO ORDERED.**

DATED this 2nd day of November, 2023.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge